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10/652,892	08/29/2003	Eric Owhadi	500201991-2	9562

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EXAMINER	
TRAN, TUYETLIEN T	

ART UNIT	PAPER NUMBER
2179	

NOTIFICATION DATE	DELIVERY MODE
05/12/2011	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No.	Applicant(s)	
	10/652,892	OWHADI ET AL.	
	Examiner	Art Unit	
	TUYETLIEN T. TRAN	2179	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *09 March 2011*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to the following communication: The amendment filed on 03/09/2011. **This action is made Final.**

2. Claims 1-20 are pending in the case. Claims 1, 13-15 and 18 are independent claims.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 1-2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller (Patent No. US 6742141 B1; hereinafter Miller) in view Gregersen et al (USPPN 20030040937 A1; hereinafter Gregersen - Note Gregersen is also available as WO 01/77887).

As to claim 1, Miller teaches:

A method of obtaining technical support for a data-processing device (e.g., see col. 3 lines 7-11; general services for monitoring, diagnosing and solving problem at the customer's facility), comprising initiating a support session (e.g., see Fig. 19 and col. 18 lines 43-67 and col. 5 lines 21-26; initiate an automated problem escalation) during which device-specific data is conveyed from the device to a support provider system to assist the support provider in responding to a support query (e.g., see Fig. 19 and col. 18 lines 43-67; send state information to support center – steps 389 & 390), and polling the support provider's system with a polling application to determine whether the support provider has indicated a response to the query has been made available, on a repeated and automated basis, until a response becomes available or the support session is terminated (see Fig. 19 and col. 18 lines 43-67 and col. 5 lines 30-44; the customer site software periodically checks the status of the problem escalation), in which a response flag is added to the support provider's system when a response becomes available and in which the flag is detected by the polling application (see Fig. 19 and col. 5 lines 35-44 and col. 18 lines 58-67; if they are successful, they add a new entry to the master knowledge base that can diagnose and resolve the problem; the customer site software periodically checks the status of the problem escalation).

Miller does not teach notifying a user of the data-processing device that the response has become available.

Gregersen teaches an indication/flag is detected by the polling application which notifies a user of the data-processing device that a response is available (see [0070] and [0147], [0148]; polling the server for an indication of whether relevant information is available for the user). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the technical support using the polling application as taught by Miller to include the polling for indication of available information as taught by

Gregersen to achieve the claimed invention. One would be motivated to make such a combination is to be able to receive new information/data from the server (see Gregersen [0146]).

As to claim 2, Miller teaches wherein the polling application is obtained from the support provider (see Fig. 4 and col. 5 lines 35-44, col. 9 lines 1-19, col. 21 lines 9-14; the customer site software includes customer knowledge base 125 that is obtained from the master knowledge base 121). Gregersen also teach the polling application is obtained from the server (see [0036], [0038], [0040]).

5. Claims 3-7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller and Gregersen in view Kramer et al. (US 2002/0198834 A1; hereinafter Kramer).

As to claims 3, 4, the rejection of claim 2 is incorporated. Miller and Gregersen do not expressly teach that the polling application, during the support session, is executed subsequent to each boot or start-up sequence of the device.

Kramer teaches the capability to enable a software to auto start after a reboot (see [0066]; ensure the execution of an application will be invoked as part of the system startup process). Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the customer site software of Miller and Gregersen to include the feature of auto start after a reboot as taught by Kramer to achieve the claim limitations. This is because Miller's customer site software has a capability of checks the status of the problem escalation periodically (see col. 5 lines 37-44) and another capability to use the RUN Key in the registry (see col. 11 lines 35-40); having this check/polling feature executed subsequent to each start-up sequence can save the user from starting the checking process manually; thus, save the user time.

As to claim 5, the rejection of claim 3 is incorporated. Kramer further teaches in a Windows operating system. environment, a Run key located in or operatively associated with the registry of the device is used to execute the application, subsequent to each said boot or start-up sequence (see [0066]; RUN or RUNONCE keys of the Registry). Thus, combining Miller and Gregersen and Kramer would meet the claimed limitations for the same reason as discussed with respect to claim 3 above.

As to claim 6, the rejection of claim 5 is incorporated. Kramer teaches the capability to delete or remove the RUN keys from the registry upon the termination of the software application (see [0066], [0084]). Thus, combining Miller and Gregersen and Kramer would meet the claimed limitations for the same reason as discussed with respect to claim 3 above.

As to claim 7, the rejection of claim **6** is incorporated. Kramer teaches the application subsequently is deleted using a delete command executed in accordance with a RUN ONCE located in or operatively associated with the registry (see [0066], [0084]). Thus, combining Miller and Gregersen and Kramer would meet the claimed limitations for the same reason as discussed with respect to claim 3 above.

6. Claims 8-9, 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller and Gregersen in view of Bereiter et al (Patent No. 6145096; hereinafter Bereiter).

As to claim 8, Miller and Gregersen teach the limitations of claim 2 for the same reasons as set forth above. Miller teaches the support session is established using a Web connection (see col. 10 lines 61-67). Miller and Gregersen do not expressly teach wherein the polling application is downloaded from the support provider using an applet.

Bereiter teaches similar automatic technical support system (see Fig. 5). Bereiter teaches wherein a support session is established (e.g., step 62 or step 74 in Fig. 5) using a web connection (e.g., see Fig. 1) and wherein a polling application (e.g., the program to execute the steps 84 and 86 in Fig. 5) is downloaded from the support provider using an applet (e.g., col. 4 lines 45-49 and col. 8 lines 52-55).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the customer site software of Miller and Gregersen to include the feature of implementing the technical support using an applet as taught by Bereiter to achieve the claim limitations. This is because Miller's customer site software has a capability to run web browser (see Miller col. 9 line 1); having the customer site software implemented in Java applet would provide a convenient runtime environment for programs written as Java applets (see Bereiter col. 4 lines 39-44).

As to claim 9, Bereiter further teaches wherein the applet is operative to download a data harvester to gather the device-specific data (e.g., see col. 2 lines 38-45 and col. 4 lines 45-49). Therefore, combining Miller and Gregersen and Bereiter would meet the claimed limitations for the same reason as discussed with respect to claim 8 above.

As to claim 12, Bereiter further teaches wherein the polling (e.g., steps 84 and 86 in Fig. 5) is effected using hypertext transfer protocol (e.g., see col. 4 lines 45-49 and col. 8 lines 52-55). Therefore, combining Miller and Gregersen and Bereiter would meet the claimed limitations for the same reason as discussed with respect to claim 8 above.

7. Claims 10-11, 13-18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller and Gregersen in view of Bereiter further in view of Pawlan et al

(Pub article 'Signed Applets, Browsers, and File Access' April-1998, pp 1-5; hereinafter Pawlan).

As to claim 13, Miller teaches:

A method of providing asynchronous web-based active technical support from a support provider to a user of an electronic device during a support session (e.g., see col. 3 lines 7-11; general services for monitoring, diagnosing and solving problem at the customer's facility), the method comprising receiving device-specific data to assist the support provider in responding to a support query (e.g., see Fig. 19 and col. 18 lines 43-67; send state information to support center – steps 389 & 390), and dispatching a polling application operative to poll the support provider's system to determine whether the support provider has indicated a response to the query has been made available (see Fig. 19 and col. 18 lines 43-67 and col. 5 lines 30-44; the customer site software periodically checks the status of the problem escalation) wherein the response's availability is indicated by a flag (see Fig. 19 and col. 5 lines 35-44 and col. 18 lines 58-67; if they are successful, they add a new entry to the master knowledge base that can diagnose and resolve the problem; the customer site software periodically checks the status of the problem escalation).

Miller does not teach notifying the user that the response has become available and a flag associated with the support provider's uniform resource locator.

Gregersen teaches the indication/flag is detected by the polling application which notifies a user of the data-processing device that a response is available (see [0070] and [0147], [0148]; polling the server for an indication of whether relevant information is available for the user). Gregersen teaches the indication/flag is associated with the provider's URL (see [0150]).

Therefore, combining Miller and Gregersen would meet the claim limitations for the same reasons as set forth in claim 1.

Miller and Gregersen do not teach the polling application being dispatched, from or on behalf of the support provider, in response to an instruction generated using an applet.

Bereiter teaches similar automatic technical support system (see Fig. 5). Bereiter teaches wherein a polling application (e.g., the program to execute the steps 84 and 86 in Fig. 5) is downloaded from the support provider using an applet (e.g., col. 4 lines 45-49 and col. 8 lines 52-55).

Accordingly, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have modified the customer site software of Miller and Gregersen to include the feature of implementing the technical support using an applet as taught by Bereiter to achieve the claim limitations. This is because Miller's customer site software has a capability to run web browser (see Miller col. 9 line 1); having the customer site software implemented in Java applet would provide a convenient runtime environment for programs written as Java applets (see Bereiter col. 4 lines 39-44).

While Bereiter teaches security must be considered for data gathering (e.g., see col. 8 lines 23-34), Miller and Gregersen and Bereiter do not expressly disclose a trusted applet.

Pawlan teaches for an applet to access local system resources outside the directory from which the applet is launched, the applet must be granted explicit access to those resource (e.g., see Pawlan Para 5 title 'Local File Access').

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used the method of a signed applet as taught by Pawlan to the method of automated technical support in a computer network as taught by Miller and Gregersen and Bereiter to create a web-based active technical support that allows a trusted applet to gather

and access data from a client machine. The motivation to combine Pawlan's teaching with Miller and Gregersen and Bereiter's teaching is to allow system data to be gathered and sent to the technical supporter automatically and still protect local files or system against un-trusted sources.

As to claim 14, Miller teaches:

A server-side technical support source comprising a web server to participate in asynchronous messaging with a client-side device (e.g., see Fig. 17), the support source being operative to supply, to the device, a polling application whereby repeated polling of the support source for a response to a support query is effected (see Fig. 4 and col. 5 lines 35-44, col. 9 lines 1-19, col. 21 lines 9-14; the customer site software includes customer knowledge base 125 that is obtained from the master knowledge base 121); wherein the response's availability is indicated by a flag (see Fig. 19 and col. 5 lines 35-44 and col. 18 lines 58-67; if they are successful, they add a new entry to the master knowledge base that can diagnose and resolve the problem; the customer site software periodically checks the status of the problem escalation).

Miller does not teach a flag associated with the support provider.

Gregersen teaches the indication/flag is detected by the polling application which notifies a user of the data-processing device that a response is available (see [0070] and [0147], [0148]; polling the server for an indication of whether relevant information is available for the user). Gregersen teaches the indication/flag is associated with the provider's URL (see [0150]). Therefore, combining Miller and Gregersen would meet the claim limitations for the same reasons as set forth in claim 1.

Miller and Gregersen do not expressly teach the polling application being supplied to the device using an applet.

Bereiter teaches similar automatic technical support system (see Fig. 5). Bereiter teaches wherein a polling application (e.g., the program to execute the steps 84 and 86 in Fig. 5) is downloaded from the support provider using an applet (e.g., col. 4 lines 45-49 and col. 8 lines 52-55).

Therefore, combining Miller and Gregersen and Bereiter would meet the claim limitations for the same reasons as set forth in claim 13 above.

While Bereiter teaches security must be considered for data gathering (e.g., see col. 8 lines 23-34), Miller and Gregersen and Bereiter do not expressly disclose a trusted applet.

However, this deficiency is taught by Pawlan as discussed in the rejection of claim 13 and is incorporated herein.

As to claims 15 and 18, claims 15 and 18 are directed to a software element stored on a memory of a data-processing device and a method for implementing the method steps as claimed in claim 13; therefore, is rejected under similar rationale. Including Miller teaches the polling element whereby a support provider may be polled on a repeated and automated basis (see Fig. 19 and col. 18 lines 43-67 and col. 5 lines 30-44; the customer site software periodically checks the status of the problem escalation)

As to claim 10, the rejection of claim 8 is incorporated. Pawlan teaches for an applet to access local system resources outside the directory from which the applet is launched, the applet must be granted explicit access to those resource (e.g., see Pawlan Para 5 title 'Local File Access'). Thus, combining Miller and Gregersen, Bereiter and Pawlan would meet the claimed limitations for the same reasons as discussed with claim 13 above.

As to claim 11, the rejection of claim 11 is incorporated. Pawlan teaches the support provider conveys to the user a trust request, agreement to the request allowing execution of the applet (e.g., see Pawlan Para 5 title 'Local File Access'). Thus, combining Miller and Gregersen, Bereiter and Pawlan would meet the claimed limitations for the same reasons as discussed with claim 10 above.

As to claims 16, 20, claims 16 and 20 are in the same context as claims 12 and 9, respectively; therefore are rejected under similar rationale.

As to claim 17, the rejection of claim 16 is incorporated. Gregersen teaches that the polling element has a footprint of no more than about 50 kilobytes (see [0040]). The motivation is to allow quick download or transmit through internet connection (see Gregersen [0040]).

8. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller and Gregersen in view of Bereiter and Pawlan as applied to claim 18 above and further in view of Kramer.

As to claim 19, claim 19 is in the same context as claim 3; therefore is rejected under similar rationale.

Response to Arguments

9. Applicant's arguments filed on 03/09/2011 have been considered but are moot in view of new ground of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

It is noted that any citation to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. In re Heck, 699 F.2d 1331, 1332-33,216 USPQ 1038, 1039 (Fed. Cir. 1983) (quoting In re Lemelson, 397 F.2d 1006,1009, 158 USPQ 275,277 (CCPA 1968)).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TuyetLien (Lien) T. Tran whose telephone number is 571-270-1033. The examiner can normally be reached on Mon-Friday: 7:30 - 5:00 (every other Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Weilun Lo can be reached on 571-272-4847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/TuyetLien T Tran/
Examiner, Art Unit 2179